

## **MEETING OF THE BOARD OF COUNTY COMMISSIONERS**

### **REGULAR MEETING**

**APRIL 18, 2007**

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:00 A.M., on Wednesday, April 18, 2007 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman David M. Unruh, with the following present: Chair Pro Tem Thomas G. Winters; Commissioner Tim R. Norton; Commissioner Kelly Parks; Commissioner Gwen Welshimer; Mr. William P. Buchanan, County Manager; Mr. Rich Euson, County Counselor; Mr. David Spears, Director, Bureau of Public Works; Ms. Iris Baker, Director, Purchasing Department; Mr. Robert W. Parnacott, Assistant County Counselor; Mr. Glen Wiltse, Director, Code Enforcement; Ms. Marilyn Cook, Executive Director; Mr. Mark Sroufe, Superintendent, Sedgwick County Park; Mr. Pete Giroux, Senior Management Analyst, Budget Department; Mr. Mark Masterson, Director of Corrections; Mr. Kevin O'Connor, Deputy District Attorney; Mr. Ron Holt, Assistant County Manager; Mr. Brad Snapp, Department on Housing; Ms. Kristi Zukovich, Director, Communications; and, Ms. Evelyn Good, Deputy County Clerk.

### **GUESTS**

Dr. Ed Flentje, Director and Professor, Hugo Wall School of Urban and Public Affairs, Wichita State University  
Mr. Charles M. Thompson, Wichita  
Mr. Andrew P. Downey, Wichita  
Ms. Annette Graham, Executive Director, Central Plains Area Agency on Aging  
Mr. John Nath, Director, Kansas Coliseum  
Mr. Shelton Lawrence, Public School Chairman for Albert Pike Masonic Lodge  
Ms. Jessica Blehm, Volunteer from the Wichita Area Sexual Assault Center  
Ms. Caroline Hosford

### **INVOCATION**

The Invocation was led by Mr. Brad Snapp of Wichita, Kansas.

### **FLAG SALUTE**

### **ROLL CALL**

The Clerk reported, after calling roll, that all Commissioners were present.

**CONSIDERATION OF MINUTES:**

Regular Meeting, March 28, 2007

**Regular Meeting, April 18, 2007**

The Clerk reported that all Commissioners were present at the Regular Meeting of March 28, 2007.

**Chairman Unruh** said, “Commissioners, you’ve had an opportunity to review the minutes of March 28. What’s the will of the Board?”

**MOTION**

Commissioner Parks moved to approve the Minutes of the Regular Meeting of March 28, 2007.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Next item.”

**PROCLAMATIONS**

**A. PROCLAMATIONS.**

**1. PROCLAMATION DECLARING APRIL 20, 2007 AS “CATHERINE JOHNSON DAY.”**

**Chairman Unruh** said, “Commissioners, I have a Proclamation to read for your consideration.”

**WHEREAS**, The Worldwide Fraternity of Free and Accepted Masons has long championed the need and responsibility of a lifelong and ‘virtuous education’; and

**WHEREAS**, Albert Pike Masonic Lodge No. 303, in Wichita, Kansas, in continuing its dedication to the community and public schools, has set out to distinguish Wichita’s finest educators in the selection and promotion of the Albert Pike Lodge – Teacher of the Year Award; and

**Regular Meeting, April 18, 2007**

**WHEREAS**, the selection committee has unanimously selected Ms. Catherine Johnson for her dedication in teaching high school students at Wichita South High School, USD 259.

**NOW, THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 20, 2007 as

**“Catherine Johnson Day”**

in Sedgwick County in recognition of her service to this county, the Wichita Public School District, Wichita South High School and the many students and peer faculty whom she impacted through her dedication and fortitude in the discharge of her duties.

**MOTION**

Commissioner Winters moved to adopt the Proclamation.

Commissioner Parks seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Good morning. Tell us your name please.”

**Mr. Shelton Lawrence**, Public School Chairman for Albert Pike Masonic Lodge, greeted the Commissioners and said, “The Albert Pike Lodge would like to thank the Board of County Commissioners and Sedgwick County, Kansas for their support over the past eight years with our Teacher of the Year ceremony.

Each year we pick from nominations submitted to us from school principles in USD 259 school

**Regular Meeting, April 18, 2007**

district. As in the past, it's always a hard job to choose as each nomination is worthy of the title.

This year, our judges selected a teacher, submitted by Carol Leddy, they principle of South High School, and Linda Hoobler, Intensive Support High School Teaching Specialist. Our teacher is a mathematics teacher in grades 9-12, she graduated from Friends in 1997 with a Bachelor's of Science Degree in Biology, worked as a Para-Educator in Andover for three years and last August completed the Masters of Education Degree in Curriculum and Instruction at WSU.

The Albert Pike Masonic Lodge is pleased that the Board of County Commissioners are proclaiming April 20, 2007, as Catherine Johnson Day. On behalf of Albert Pike Lodge and all Masons, we want to thank the Board for their work and for working with us in recognizing our school educators. Thank you very much."

**Chairman Unruh** said, "Well, thank you very much for being here to receive the Proclamation and extend our congratulations to Catherine Johnson and we appreciate your lodge being involved in this effort to recognize our educators and the impact that they have on not only the kids, but the good of our community. Thank you very much. Madam Clerk, call the next item."

**2. PROCLAMATION DECLARING APRIL 22 - 28, 2007 AS "CRIME VICTIMS' RIGHTS WEEK."**

**Chairman Unruh** said, "Commissioners, I have a Proclamation for your consideration."

**WHEREAS**, More than 24 million Americans suffer the impact of crime each year.

**WHEREAS**, crime victims experience anxiety, insomnia, social dysfunction, lost work hours and productivity, drug and alcohol abuse, and severe depression at much higher rates than the general public; and

**WHEREAS**, crime victims may be forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing jobs, and obtaining protection orders; and

**WHEREAS**, these individuals deserve to be treated with dignity and respect by our criminal justice system and society at large; and

**WHEREAS**, Sedgwick County recognizes that its response to crime victims plays an important role in their efforts to rebuild their lives.

**NOW, THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of

**Regular Meeting, April 18, 2007**

Sedgwick County Commissioners, do hereby proclaim April 22 - 28, 2007 as

**“Crime Victims’ Rights Week”**

in Sedgwick County; and be

**RESOLVED**, that we recognize Jessica Blehm, a dedicated volunteer from the Wichita Area Sexual Assault Center.

**Chairman Unruh** said, “Commissioners, you’ve heard the Proclamation. What’s the will of the Board?”

**MOTION**

Commissioner Winters moved to adopt the Proclamation.

Commissioner Norton seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And Kevin O’Connor is here to receive the award?”

**Mr. Kevin O’Connor**, Deputy District Attorney, greeted the Commissioners and said, “Thank you for taking the time and opportunity today to recognize a volunteer, a very important volunteer. In general, volunteers are very, we cannot begin to tell you how volunteers are important in any line, but in particular in the criminal justice system, volunteers operate quietly behind the scenes in helping victims deal with the crimes that happen to them. And we couldn’t do our jobs without them.

As everyone knows, when a crime happens to you and you’re a crime victim, it’s very hard to deal

### **Regular Meeting, April 18, 2007**

with. The criminal justice system can be cold and impersonal, and it's very important to have individuals that will step up and help out these crime victims in ways that prosecutors, in doing their job, just can't do because of the legal issues involved. And we are very blessed in this community with volunteers that will step up, that work in cooperation with our offices in a partnership. We are blessed in this community with excellent law enforcement and we're also blessed to have these volunteers.

Today, in honor of "Crime Victim's Rights Week", the District Attorney's office would like the Board to recognize Jessica Blehm for her participation as a volunteer victim advocate with the Wichita Area Sexual Assault Center. Jessica has been a volunteer for five years, and during this time she has been responsible for at least two twelve-hour shifts during each month, and offers to volunteer more hours when needed. During these shifts, victim advocates answer a 24-hour crisis line and talk with those individuals that have been victims of sexual assault, which is a crime that particularly has an impact on an individual, like was mentioned in the Proclamation about what happens to them. They also respond to hospitals to support victims during the collection of evidence and, as anybody would understand, just common sense tells you what a cold and impersonal procedure that would be after very dramatic experience, so these volunteers help out in a very important time of need. And Jessica is one of those volunteers.

Sexual assault cases are always tough cases, but sometimes there are cases where people will need the extra, for somebody to go the extra mile, and Jessica has always been there to do that. In fact, in a recent case, she did go the extra mile, went way beyond what is expected of a volunteer. Jessica has passion, enthusiasm, dedication and is an inspiration to anyone wanting to become a volunteer. She unselfishly gives of her time and energy to something that she feels is important and her contribution makes a significant difference in the lives of those that have been effected by sexual assault. And in honor of her work and the work of all volunteers, we'd ask the Board to recognize Jessica Blehm.

Jessica, thank you for your work."

**Chairman Unruh** said, "Jessica, would you like to say something?"

**Ms. Jessica Blehm**, Volunteer from the Wichita Area Sexual Assault Center, greeted the Commissioners and said, "Yes sir. As a volunteer, as a passionate volunteer, I can't pass up an opportunity to talk a little bit about what I think we, as a community, can do a little better for victims of sexual assault.

While I really appreciate the recognition, both for me and for the sexual assault center, one of the

### **Regular Meeting, April 18, 2007**

things that I think we could do better is as a community is make more of an effort to place the shame that's associated with sexual assault on the criminals who perpetrate the crime, rather than on the victims.

I think for most of us, if our house gets robbed or our wallet gets stolen, none of us would be embarrassed to go to work the next day and tell the people at work or tell the people at church what happened. Unfortunately, that's not the case with sexual assault. A lot of what I do as a volunteer is counsel people, remind people, reassure people that what happened to them is not their fault. We don't need to be told that about other crimes because there's not the social stigma on having your wallet stolen that there is on sexual assault. I would just like to ask that we as a community do a better job of making sure as community members, as pastors, as church members, as family and friends that we do a better job of making sure that the victims of sexual assault understand that the shame of that crime belongs on the criminal, the person who did this to them, and not on them. And hopefully, in the future, if we do a better job of that, the sexual assault center won't need volunteers like me. But I appreciate the recognition."

**Chairman Unruh** said, "Well, thank you very much. It's well deserved and folks, like you, with your character and your passion, we'll reach that goal someday I hope. Thank you very much for your dedication."

**Ms. Blehm** said, "Thank you."

**Chairman Unruh** said, "Madam Clerk, call the next item."

### **3. PROCLAMATION DECLARING APRIL 22, 2007 AS "EARTH DAY."**

**Chairman Unruh** said, "Commissioners, I have a Proclamation for your consideration."

**WHEREAS**, Earth Day was created in 1970 to spark a revolution against environmental abuse; and

**WHEREAS**, because Earth Day observances broaden the base of support for environmental programs, rekindle public commitment, and increase participation from many social and business sectors, they can be used to implement wide-scale programs that bring people together to act for the common good; and

**WHEREAS**, Earth Day activities remind us that the environmental problems we face are an every-

**Regular Meeting, April 18, 2007**

day issue that require repeated attention and action with opportunities to make positive changes; and

**WHEREAS**, Earth Day Kansas, an annual event at the Sedgwick County Zoo, will take place April 19 to help children learn how to protect and care for the world we live in.

**NOW, THEREFORE BE IT RESOLVED**, that I, Dave Unruh, Chairman of the Board of Sedgwick County Commissioners, do hereby proclaim April 22, 2007 as

**“Earth Day”**

in Sedgwick County and encourage all citizens to protect our environment and conservation of resources through waste minimization, reuse and recycling.

**Chairman Unruh** said, “Commissioners, you’ve heard the Proclamation, what’s the will of the Board?”

**MOTION**

Commissioner Welshimer moved to adopt the Proclamation.

Commissioner Norton seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “And Caroline Hosford is here to receive the Proclamation.”

### **Regular Meeting, April 18, 2007**

**Ms. Caroline Hosford**, greeted the Commissioners and said, “Thank you, Commissioners, for this Proclamation. I just wanted to let you know that tomorrow, April 19<sup>th</sup>, we will be at ‘Earth Day Kansas’ at the zoo and we hope to see lots of 3<sup>rd</sup>-5<sup>th</sup> graders out there and try to give them some real practical ways that they and their families can save water and energy. And also, on Saturday, we will be in Derby at an ‘Earth Day’ event.

So we would encourage folks to come and learn ways that the average citizen can do simple things that can help to protect the Earth and we’ve also will be providing materials to the Kansas Grown Market at the extension office this Saturday. So there is several opportunities for people to come out and partake in ‘Earth Day’ activities this year. And we would encourage them to do so.”

**Chairman Unruh** said, “All right, well thank you. We appreciate you’re continuing efforts here and we do have a couple of comments. I think Commissioner Welshimer was first.”

**Commissioner Welshimer** said, “I had the honor of introducing the Lt. Governor on Saturday at the Great Plains Nature Center, and Mark Parkson accepted an award that Sierra Club gave to Governor Sebelius for her leadership and public service by developing the ‘Kansas Energy Plan of 2007’, which fosters conservation efficiency and renewable energy to assure the continued environmental and economic viability of our state.

The other award went to Donald Beggs, President of WSU, for leadership and education by developing University energy efficient plans, which will save energy and money for initiating educational and research opportunities in sustainability engineering.

It was quite a nice day, there were a lot of people there. I was very impressed with all of it. The Sierra Club had a representative that handed out just a few things that County and employees and everyone can do.

Of course they went over the warnings of what is happening to our planet. So these are some of the things that we can do, we can change a light bulb with a regular bulb and replace it with a fluorescent one and it’ll save a 150 pounds of carbon dioxide a year, we can save a pound of carbon dioxide for every mile we don’t drive, we can save 2,400 pounds of carbon dioxide a year by recycling just half of our household waste. Every gallon of gasoline saved keeps 20 pounds of carbon dioxide out of the atmosphere, washing our clothes in cold water can save 500 pounds of carbon dioxide and if we plant a tree, a single tree will absorb a ton of carbon dioxide over its lifetime and simply turning off our televisions, DVD players, stereos and computers when we’re not using them could save a 1,000 pounds of carbon dioxide a year.

All was a very successful day and something I hope to take very seriously. Thank you.”

### **Regular Meeting, April 18, 2007**

**Chairman Unruh** said, "Very good, thank you. Commissioner Parks?"

**Commissioner Parks** said, "I was going to ask, do you know when the hours that the pro-recycling facility that the Millers' have, they're on Clark, is that, there's extended hours, I know, on Sunday, and I just wanted to have you elaborate a little bit if you could."

**Ms. Hosford** said, "The regular hours are Tuesday through Friday from 9:00-5:30. Or excuse me, that's not correct, their regular hours are Tuesday and Thursday from 1:00-3:00 and Saturdays from 9:00-3:00. But this Sunday, I believe, they are going to be open for tours, to show people around. And I believe that is in the early afternoon."

**Commissioner Parks** said, "And can people still bring things, or is it just basically for tours?"

**Ms. Hosford** said, "They prefer that people come just for tours that day."

**Commissioner Parks** said, "Well I know I've been a participant in the metal recycling for several years now and after touring the Transfer Station the other day, I think we can do better, this might be the time to consider a curb-side recycling like I've done at my house. I think that's, we have to look at our landfill and our space and our environment."

**Chairman Unruh** said, "Okay, thank you. Caroline, I just appreciate your continued effort on behalf of these sort of issues, to promote them. Part of the Proclamation said that these require repeated attention and repeated reminders, so I appreciate your persistence at that. Eventually it does make a difference. I was driving down the street the other day and somebody in the car in front of me threw something out the window, a can of Wendy's stuff and then a little later on they threw a tin can, or Coke. A few years ago that might not have made me mad, but I kind of got mad about it. So you're responsible for helping me get educated. Thank you very much for your efforts."

**Ms. Hosford** said, "Thank you."

**Chairman Unruh** said, "Madam Clerk, call the next item."

### **AWARDS**

#### **B. PRESENTATION OF MINI-MPA CERTIFICATES TO SEDGWICK COUNTY 2006-2007 GRADUATES.**

## **Regular Meeting, April 18, 2007**

**Chairman Unruh** said, “Dr. Flentje?”

**Mr. Ed Flentje**, Director and Professor, Hugo Wall School of Urban and Public Affairs, Wichita State University, greeted the Commissioners and said, “I’m here this morning to recognize with you members of your organization who have completed an intensive program of Executive Development over the past year. And that program covers kind of cutting edge topics on ‘Public Management’, ‘Public Finance’ and ‘Public Policy’. Topics such as ‘Operations Research’, ‘Managing Networks’, ‘Strategic Thinking’ and a variety of other subjects. It concludes with a capstone.

This year, in fact last week, this group focused on Adult Basic Education, and you may want to consult with them. They had some very good ideas about how to approach this subject. This program is taught by faculty in the Hugo Wall School and I think they do an outstanding job.

One value of the program, however, is the exchange that it offers across jurisdictions. Eleven jurisdictions participated in the program this year, a class of 28. I think there was six cities, three counties and two non-profit agencies. So the exchange across those jurisdictions, I think, is an important value.

Your organization has been strongly supportive of this program from its start, in fact was involved in the initiation of it, probably about ten years ago, and this is the sixth class that has completed it. So, with your consent, I would like to recognize the individuals that have completed the program this year.

- 1. PAULA DOWNS, PROJECT SERVICES**
- 2. SUSAN ERLLENWEIN, COMMUNITY DEVELOPMENT**
- 3. GINA GILLESPIE, ERP**
- 4. MIKE HOLLADAY, DEPARTMENT OF CORRECTIONS**
- 5. VALERHY POWERS, DEPARTMENT ON AGING**
- 6. STEWART D. SEGRAVES, FIRE DEPARTMENT**
- 7. MIKE STOVER, SHERIFF’S DEPARTMENT**

One of the things we try to emphasize is, there is a possibility of human error in Executive Development and it happens all the time. Again, I would be happy to respond to any questions you have about this. We appreciate, to the Hugo Wall School year, your support of this over a number of years. We’ll beginning another class in the fall and hope the County will participate again. Again, if you have questions, I’d be happy to respond.”

## Regular Meeting, April 18, 2007

**Chairman Unruh** said, “Okay. It seems like we should recognize these recipients. We very much appreciate the extra effort, the energy, time, blood, sweat, tears, whatever those phrases are, because I know that this is not a easy journey, but it is worth the goal. So I appreciate our folks being involved in this.

We had some other comments, but I just wanted to say, we are really proud of these individuals and what it does to their own personal advancement and that sort of thing. Each one these comes from different departments of Sedgwick County government and I think that we benefit and makes our whole government stronger as we kind of go clear across the scope of what we do here. That’s a great benefit not only for our government, but for the citizens of Sedgwick County. I appreciate again, your individual efforts to achieve this. Commissioner Norton has a comment.”

**Commissioner Norton** said, “It was really great to see Dr. Flentje turn into the ‘Absent-Minded Professor’, we’re getting to see it right here, in our community on television. It’s good having you here today.

I just wanted to address those that received their MINI-MPA. ‘Adult in Continuing Education’ has been a core belief of mine for many, many years. I went back at age 48 and got a Masters in ‘Adult Education’. But what it does for our organization is increase the intellectual capacity that you bring to our organization. And that is so critically important as we grow, as Sedgwick County, as we try to serve the citizens, that we understand that it is our role to get better every day. And one way you do that is to educate yourself in the ways of your job and Public Administration is so important, regardless of what department you’re in, that ability to understand Public Administration and how it effects the community is so important. And you have added to our intellectual capital at a very high level by taking the time and effort to go through this program and I applaud you for that. Thanks.”

**Chairman Unruh** said, “All right, thank you. Well, Dr. Flentje, thank you for your leadership in this program and we appreciate your part.”

**Mr. Flentje** said, “Thank you, we’ll get the plaques straight before we’re done. I would emphasize that these individuals were selected for their accomplishments in their respective spheres and this program is intended to expose them to broader concepts of Public Administration, Management, Policy, Finance and again, I appreciate your support.”

**Chairman Unruh** said, “Well, thank you. And congratulations once again to each of you. Madam Clerk, call the next item please.”

### C. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS

**Regular Meeting, April 18, 2007**

**REGARDING THE CASINO VOTE ISSUE.**

**Mr. Charles M. Thompson**, Wichita, greeted the Commissioners and said, "I spoke to the Commission last October and I predicted that I would see two new Commissioners and Gwen Welshimer, welcome, and Kelly, nice to see you.

I see that we are going to start looking at what the (inaudible) wants to do. I appreciate the opportunity to speak before you this morning. I hope I represent quite a few people in my district and area.

There are number of important issues facing the County right now and most of them involve money in one form or another. The Downtown Arena costs seem to increase daily. Commissioner Norton recently stated that advance, a sales tax when the area tax expires, I believe that this is an added tax. A state taxed arena, its tax expires and has led one to believe that the Commission started programs last year without the funding or benefit or any. Those programs being the jail expansion and the technical school. Whether or not these decisions were good ones is a mute point. They have been made and we must live the fall-out from them.

There are at least two Commissioners who have promised not to raise taxes and I believe that a sales tax after the arena tax will certainly be an increase. Sedgwick County residents have seen their mill levies increase at the same time that their appraised value has gone up dramatically. In some cases as much as 9%. The County Commission seem to be grasping at any and all means of raising money, even to the point of controversial attempts to charge cities for housing prisoners.

My concern this morning has to do with recent articles in the Wichita Eagle and the Wichita Business Journal regarding potential sites for our Destination Casino, if the referendum in August passes. Commissioners, the Gaming Bill passed last month caused for a site selection based on potential availability for expanded tourism and economic development. The Park City site offers the best opportunity to meet these criteria.

We have had heard arguments for downtown development, who want to practically obliterate downtown to put in casino affiliated businesses. That will be a dark day when the City of Wichita sells our library and our Convention Center to anyone, much less to those without any concern for our way of life, only concern with their profits. With an arena and a casino development, there would be nothing here except an arena and a casino. Parking difficulties, access to inter-state highways, easy access for criminals, problematic utilities, demolition of public buildings, I think this is a poor plan.

## Regular Meeting, April 18, 2007

Wichita proposes the State that they should perceive proceeds from regardless of where the casino is located. Why is that? Doesn't Sedgwick County provide counseling services for the area? Is it that Sedgwick County already provides for those with additional problems for all kinds without the 2 % of casino revenue that we provided for that purpose? I maintain that the City of Wichita has done nothing to promote the passage of a gaming bill that would allow an establishment of a casino.

Our Legislators have brought this passage at every opportunity and would have done the same this year if voters had not made their voices heard by replacing some of the obstructiveness. On the other hand, Park City has fought for three years for the Destination Casino Complex to be sited at 77<sup>th</sup> and I-135, where it can let the Iowa Tribe of Kansas and Nebraska, Bob Knight and Chisholm Creek Ventures and the best casino management in the world, (inaudible) of Fox Woods. The government and body of Park City has openly backed a plan of a location that benefits the people of the Iowa Tribe as well as Sedgwick County to bring gaming to Southcentral Kansas. The location in Park City was selected by the developers as the best in the area, as magnificent access to 135, the recent utility improvements, no demolition required and sited in the middle of the fastest growing entertainment district of this part of the State.

In Park City's love to fight to bring the choices of expanded gaming to the voters of Sedgwick County, staying the course despite broken promises from the previous Commission. In and as a proponent of Destination Casinos, I think the public will not support the sale of a public building for use as a casino, regardless of the Commissioners need to dispose of the Coliseum. Sedgwick County will receive 1% of the revenue for a casino and the whole city will receive 1%. The Legislators deem that as fair, and so do I. Sinking the location for one that is ideal to one that is controversial in order to raise more money for those projects, I mentioned they would come back to haunt you.

As a Wichita resident, I view the location at 77<sup>th</sup> and I-135 at the right one. Park City deserves your support in granting the right to do this. Unruh, I would like to ask you a question. Last October, when I was in front of you, you said that it would cost \$165,000 for a special vote, but you wouldn't want to spend that kind of money? Why is it all of a sudden around \$118,000, that's \$47,000 difference in six months? I'd like to know why that is that way.

I hope that you've all considered this, probably have, but the downtown casino problem is that we have the parking problem with the arena and you all always have parking problems downtown. And we wonder why everybody left downtown, well everybody says they went to the malls because they could park for free. Well, I'd be at the malls, listen to the people and build something that was free rather than the city doing something that's charging people to park downtown and then you run them off and blame it on something else. The parking is your biggest problem on anything you

### **Regular Meeting, April 18, 2007**

have in Wichita and you better consider it very seriously. And thank you for your time.”

**Chairman Unruh** said, “All right. Thank you for your comment and opinion Mr. Thompson. Current figures indicate that a polling place, elections, just shy of \$200,000, or I beg your pardon, is just at \$118,000, is that correct Mr. Manager? Do you remember that number?”

**Mr. Buchanan**, said, “I don’t remember.”

**Chairman Unruh** said, “And a mail in ballot was going to be just shy of \$200,000. I believe those are the most recent figures we have, without being to specific. But that is just a response to Mr. Thompson’s comment. Commissioner Norton?”

**Commissioner Norton** said, “I really have two comments, the first one is about gaming and that is going to be a very controversial issue, there is going to be a lot dialogue about that. We started our conversations at our staff meeting yesterday as to what our core values were and our beliefs. I think there needs to be a lot more conversation about that, not only in our community, but as to what we’ll advocate for.

The final decision on the placement will not be in the hands of the County Commission, as I understand, we have the ability to put it to a vote and ask the questions that are described in the legislation, but the final decision will be through the Lottery Commission and the State. Now, we can have some influence on that, survey individual citizens, developers, elected officials will all have input, but at the final analysis, I think it will be in somebody else’s hands to describe that for our community. Now, hopefully we’ll have influence, so will the City Council, elected City Council members, and other folks, but I don’t know if that’s going to rest solely on us.

What I really wanted to address is something very singularly that you said, because you used my name, is that’s the discussion about sales tax. As we move forward with discussing some issues in our community and some of them have to do with capital expenditures, building jails, a tech center, other things. Yes, I did bring up the subject of sales tax. I never described how much it would be, what the term would be, certainly sales tax to increase it all would have to go through a vote of the people and the Legislature. Never in any of my comments did I say that would be a continuation of the arena tax. That goes away. When that was legislated, it sunsets December 31<sup>st</sup> of this year, the arena tax, voted on by the people, will go away. Now, sales tax, just like property tax is a tool that we have in our toolbox, as County Commissioners, to try to run government as we see it, through the filter of the public, but as we end up seeing it. And I brought up, for conversation in the staff meeting, the idea that that is a tool that we can use.

## Regular Meeting, April 18, 2007

If you understand, that several years ago, revenue sharing that was to decrease property tax from the state, initiated by a Statute or a Resolution in the 1930's, demand transfers, LAVTR, has gone away from the state to the tune of about \$8-9 million. To continue to not look at sales tax for property tax relief, which people don't particularly like right now, is wrong thinking. Now, whether that will ever advance, I don't know. But I am willing to talk about all the tough issues. It sounds like a tax, and you know what, it is a tax. But it would replace our idea that we have put capital, long-term capital debt only on property tax. There are other ways to do it. If you look at the arena, whether your pro-arena or not, a sales tax over a limited amount of time, is going to pay the whole ticket, with bonded indebtedness.

Now, I know from years of public service with the City of Haysville, and with the County Commission, that if you bond anything for a long period of time, you're going to pay a lot of interest. And at some point, that can almost double the amount of the project. If we're going to build a \$40 million-\$50 million jail, sales tax might be, just might be, a way to look at that. I don't know if that's the case, but I opened it up for conversation and I'm glad I did because I've gotten feed-back from the public, pro and con, and truthfully, after I explained it a little more and an (inaudible) piece, about all I've gotten is positive results. Because people are starting to understand that there are really three tools in the toolbox to finance.

Income tax, which we don't have the ability to levy, property tax, which we do have and sales tax which we have the ability to go to the Legislature and then the public to raise. All of those are part of what we do to run County government. Cities can do the same thing, other entities can too. So I wanted to comment on that, Charles, just because if the ideas that I was quoted in saying that I want to extend the arena tax, that is so wrong and I'm not going to allow the public to think that that's what I said in any meeting. Because it was not. I did talk about sales tax as a tool to be considered as we go through the budget process. And I think that it is important for the public to know, and I want to be sure that fact is correct. The article in the paper did quote me accurately, but it didn't tell the whole story of the continuum of conversation that we're going to have to have as a County Commission when it comes to some of these tough budgetary issues and I want to be sure that I'm not misquoted. And if you just read that article, the first article, that it doesn't tell the whole story. Thank you Mr. Chair."

**Chairman Unruh** said, "Thank you Commissioner. Commissioner Welshimer?"

## Regular Meeting, April 18, 2007

**Commissioner Welshimer** said, "I just wanted to tell Mr. Thompson thank you for expressing his concerns for our community and his effort to bring us into focus on how we study and researched where a casino might go if we are allowed to do that, and the best financial result from it and the least frustrations for the citizenry of Sedgwick County. Appreciate that very much and I think you've brought up some good points that we need to consider when we meet with other governmental entities and try to work this out reasonably for the best result for everyone. Thank you."

**Chairman Unruh** said, "Thank you. I don't see any other requests to speak, so Madam Clerk, please call the next item."

### **D. REQUEST TO ADDRESS THE BOARD OF COUNTY COMMISSIONERS REGARDING PROPERTY APPRAISALS.**

**Mr. Andrew P. Downey**, Wichita, greeted the Commissioners and said, "I'm really frustrated with the ever escalating property tax appraisals were enduring. In my opinion, it's the way that you guys are raising taxes without raising taxes and we're bearing the brunt of this. And regardless of the property values, are they escalating or they not escalating? For example, on my property, I've appealed every year on my property tax appraisal and I've been successful and I've been unsuccessful. And I've handled the property values of my own pretty much, but this year, I got my statement and it raised it almost 16%.

For the past ten years I've fought the appraisals, it's all been wiped out in one year. During the appeal process, they're really not very fair about the appeals. For example, the lady I've seen this past appeal, just a couple of weeks ago, she agreed to lower my appeal, or my appraisal \$1,000. which nowhere near satisfied me, so I told her I wouldn't approve of it. So instead of lowering it \$1,000, she just left it where it was. She indicated that's all she's authorized to do is that \$1,000, so we need to have decision makers at the appeals process to be able to lower our taxes for us, our appraisals for us.

I've been through this several years and it's just frustrating, not to be able to lower your taxes. And I know that you guys need some money to run the County, but the media this past year has indicated that the property taxes, the property values were flatter, even declining, it was a buyer's market. But you raised the property values anyway. For example, when somebody sells a house in Wichita, and they sell it for less than the appraised value, the County Appraiser's go ahead and raise that tax value anyway, and then they expect the buyer to make it right. Wherever as, if the house sells for more than it was appraised at, it automatically goes up to that selling price. So they can plug that into the computer to lower that value just as they can to raise that value. So there is some hanky-

### **Regular Meeting, April 18, 2007**

panky going on in the Appraiser's Office.

I think we need to have some citizen oversight into this appraisal process. If you guys remember, it's probably in the mid-90's, early 90's, where the Appraiser's Office raised everybody's a flat, around 24%, and the citizen's were in an uproar over that. And the Appraiser's Office comments to that was that instead of raising it 24% every four years, I'm just going to raise it 6% every year. And lo and behold, that's what happened. And how can somebody say, I'm going to raise it 6% every year, how do they justify that. So that's what happened. Every year since then, it's raised about 6%, regardless of what your property taxes go to, or what your property values are really worth.

As a citizen, I can't fight this appraisal process. The economics are just not there. If I go and hire an attorney, it will probably cost me a minimum of \$2,000 to hire an attorney to fight it. And then, if I'm successful, I'm not even guaranteed I'm going to be successful, if I am successful, then the next year they just double it, or the year after that they're going to double it. In fact they did in my case. They bumped me up with everybody else now, so all the work I've put into it is just for naught.

You guys have all the power, we don't have any power. I think you need to get outside citizens involved, maybe a panel of appraisers to see what the property values are really doing as opposed to what the Appraiser's Office says their doing. That's all I have. Any questions?"

**Chairman Unruh** said, "Well, thank you for your comments. We do have a couple of comments. Commissioner Welshimer?"

**Commissioner Welshimer** said, "Thank you for coming in about this. We don't wish upon you property tax increases. We do have a citizen oversight into the appeals process and that is if you can find other homes like yours that have sold and you bring in the sales information, which is available from many different areas, then an adjustment should be made. Compare those to the ones that the County uses. It's all based on what these other homes have sold for. If you have just one that's one home that sales for less, you really need more than that. It needs to be an average of homes in the area that have sold. State law requires that we do that, and if you've been doing that, then we need to, and you've provided this kind of information that provides proof that your home was in a certain sales level, then we do need to look at it."

**Mr. Downey** said, "Well, I forgot to say that on my appraisal, I've got a group home on either side of me in my neighborhood, with these mentally challenged people that live in these group homes, and they're young adult men. I've tried to explain that to the Appraiser's Office that I've got an unmarketable house right now as far as I'm concerned. Anybody who is looking to buy a house is going to see those two group homes on either side, who's going to buy my house? And they are

### **Regular Meeting, April 18, 2007**

unsympathetic to my argument up in that respect because they said have you tried to sell your house and I said well, I can't sell my house to prove a point. They don't listen to me."

**Commissioner Welshimer** said, "Okay. Thank you."

**Chairman Unruh** said, "We have one more comment from Commissioner Parks."

**Commissioner Parks** said, "I just wanted to say that I too appealed mine in the mid-90's, somewhere around 95' or 96' and took comps in my neighborhood and I did get it knocked down a little bit, three years later it was back up. However, if, mine is down a little bit this year because through KG&E and the nematodes, they've devastated my trees and apparently that adds a lot of value to your property.

But I have followed about eight cases of my constituents that were really upset on their houses and I will have to say that out of those eight, that seven of them have appealed and come to a reasonable conclusion with the Appraiser's Office. The other one, several people in a public forum type setting offered to buy that person's house for that amount of money and they wouldn't sell it. In fact, he thought he wanted to sell it for about \$50,000 more. So, it's one of those things that you try to satisfy everyone, but I'm here to tell you that I did go out and diligently follow those cases of my constituents that thought that they were out of line and seven of the eight did come back with satisfactory results.

Now, one other thing I want to this, there are, there is a change in the way that things have been done in the last few years and I think maybe the Commissioner needs to revisit that in that the way some Boards were set up and the way that some of the appeals come before us and the other Boards. In staff meetings in the future I'll be discussing ways to get either more citizen or more representation from us involved in that process."

**Chairman Unruh** said, "Thank you. Commissioner Winters?"

**Commissioner Winters** said, "Well, thank you. Just a couple of quick comments, I know we're spending a lot of time in the first part of this meeting but I think part of it has been very valuable. I appreciate Mr. Downey's coming.

When I saw his item on the agenda, I did take some time to think about the neighborhood that he lives in. And we need to remember that one of the things that the Appraiser's Office is working under is direction from the State of Kansas, who gain their direction from the Constitution of the State of Kansas that says 'All property be valued equally'. And the way that courts have ruled that that takes place is to find market value, what a willing buyer and a willing seller would be able to sell their property for and the Appraiser's Office works very hard to try to determine what you

**Regular Meeting, April 18, 2007**

could sell your home for and that becomes the value for the appraisal process.

And, Mr. Downey, I will be glad to help you with your neighborhood if you would like, because he lives in a very homogeneous neighborhood, the first built in the late 90's and moving into today, there have been probably maybe fifteen or twenty sales of properties within a few blocks of Mr. Downey's house. So I will be glad to help share that information with him, to show him where his house sets in that value line and from my preliminary look, if we look at the cost per square foot, Mr. Downey is probably lower in value than any of the houses that are sold in the neighborhood. But I'll be glad to call Mr. Downey later today and share this information and let you know how you can get this right off of the Internet and take a close look at what's happening in his neighborhood and I'll be glad to do that."

**Chairman Unruh** said, "All right, thank you Commissioner. Is there any other comment? Okay, seeing none, Madam Clerk, I will ask you to call the next item please."

**DEFERRED ITEM**

**E. MAPD CASE NUMBER 2006-00035 – RESOLUTION FOR CONDITIONAL USE TO ALLOW SAND EXTRACTION, GENERALLY LOCATED ON BOTH SIDES OF 61<sup>ST</sup> STREET NORTH BETWEEN TYLER ROAD AND MAIZE ROAD. DISTRICT #4.**

**Mr. Robert W. Parnacott**, Assistant County Counselor, greeted the Commissioners and said, "This Resolution simply reduces to writing the conditions of approval that you've already determined as part of your decision at the March 14<sup>th</sup> meeting. We took some time to share this draft Resolution with the parties that were involved for comments to make sure that everybody understood that this is what you had approved. We were able to answer any questions people had. We did run into some scheduling conflicts, we would have brought this to you sooner, but it is in front of you today.

I can go through the conditions if you would like me too, I don't feel that's very necessary, we really hashed these things through at the March 14<sup>th</sup> meeting. I will note that there was several that occurred or decisions were made at the very end of that meeting that we've incorporated into this Resolution. I, in particular, we made sure that everybody understands the term of the conditional use is 15 years, capped. There is no opportunity for an administrative adjustment or extension. If they want to have additional time, they would have to back through the process for conditional use amendment.

## Regular Meeting, April 18, 2007

We did limit the hours of operation, of the loading operations to five Sundays per year, that was added at the very end, of course. The stock pile heights were limited at 35 feet and probably the other thing that was a fairly major, we did have to do some drafting on an issue, you had approved, after the applicant had offered a single ground water monitoring plan. We had to draft a condition that reflected the fact that they really need to submit to us a ground water monitoring plan for our approval that will identify how often they're going to monitor the water, where they're going to locate the well, what they're going to test for, when will that monitoring terminate and we've intended that to be part of the plan that they will submit to Susan Erlenwein for her review and approval and we will keep control of that even after the property is annexed into the City of Maize.

So at this point, unless you have any other questions or go through conditions, point by point, we can, I would just recommend that you adopt the Resolution and authorize the Chairman to sign. I would also note that the Resolution does reflect the vote from the March 14<sup>th</sup> meeting, which was four in favor and one opposed."

**Chairman Unruh** said, "All right. Thank you Bob. The main message that I'm getting here is that the conditions that we approved at that previous meeting, those conditions and the way that they're verbalized has been agreed upon by both parties, both the applicant and those opposed?"

**Mr. Parnacott** said, "I guess the only point I would pick with that is really these are the conditions that you approved. We have made sure that the parties have seen those conditions to make sure they didn't have any questions or concerns or disagreements on our interpretation of what your actions were and your actions were very clear on March 14<sup>th</sup>. So these conditions reflect what we believe to be your action that you took, that is the point of this Resolution is to produce to writing what your action, what your approval was."

**Chairman Unruh** said, "All right, very good. Thank you. We have a comment from Commissioner Norton."

**Commissioner Norton** said, "I guess my question was similar to Chairman Unruh's is, do both sides understand, I see representatives of the applicants here, but we did have quite a bit of citizen consternation about this and I just want to be sure that group, at least, has been contacted and understands exactly what we voted on, the changes, I can't say it's a change on the monitoring well, but it's additional information, that they understand that it's still going to be a monitoring well but it's going through a little bit different process to be put in. Do you feel like that's the case?"

## Regular Meeting, April 18, 2007

**Mr. Parnacott** said, "That is. And I'll illustrate that by, early on we had a little bit of confusion and most of it was my confusion in terms of whether you wanted to have a two-year administrative adjustment or not, and the original draft reflected a two-year administrative adjustment opportunity and Mr. Register, who is of course one of the representatives, when he saw that, pointed out that he didn't think that was your intent.

We've reviewed the minutes of the meeting, we've reviewed the video of the meeting, we talked to people that were at the meeting and came to agree with Mr. Register and the applicant agreed that their understanding was that it was going to be 15 years, period. So that was one way that we were able to identify a slight area that had been adding to your confusion and it was cleared up.

We did have the applicant raise a question about the ground water monitoring condition, how we drafted it, they felt there should be some language in there addressing the termination date of the monitoring. We told them we felt it would be more appropriate to have them submit that as part of the plan and then we can address that in terms of the whole plan rather than try to put something in the condition that addresses a particular termination date."

**Commissioner Norton** said, "Okay, that's all I had."

**Chairman Unruh** said, "All right, thank you. Commissioner Parks?"

**Commissioner Parks** said, "Having studied the ground water issue on another case some five years ago or so myself on a similar issue, I think that the ground water monitoring that you've added in the things that you're going to do with the ground water monitoring would be something that would be favorable to the opponents on this. I think that they should be happy that they did get that added into that. And I think that's a good thing that is out there to do for the monitoring of the ground water."

**Mr. Parnacott** said, "And they were satisfied, the opponents were satisfied with the condition as it was written."

**Commissioner Parks** said, "Yes, thank you."

**Chairman Unruh** said, "Commissioners, if there is no other comment, what's the will of the Board?"

**Regular Meeting, April 18, 2007**

**MOTION**

Commissioner Winters moved to adopt the Resolution and authorize the Chairman to sign.

Commissioner Parks seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Nay
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you Bob."

**Mr. Parnacott** said, "Thank you."

**Chairman Unruh** said, "And you folks that have been so patient and diligent in being here through this whole process, thank you for your involvement in this community issue. Madam Clerk, please call the next item."

**PUBLIC HEARING**

**F. PUBLIC HEARING REGARDING A REVISED SEDGWICK COUNTY SANITARY CODE.**

**Mr. Glen Wiltse**, Director, Code Enforcement, greeted the Commissioners and said, "We are requesting that you open a public hearing for the revised Sanitary Code."

**Chairman Unruh** said, "All right, thank you Glen. Commissioners, any question before we open the public meeting? I see none so at this point I will open the public hearing and see if there is any comment relative to the revised Sedgwick County Sanitary Code. We will have a comment during the public hearing by Commissioner Norton."

### **Regular Meeting, April 18, 2007**

**Commissioner Norton** said, "I guess my question is, where has the Sanitary Code been laid out so the public can see it ahead of time? Is it published or is it available in some manner?"

**Mr. Wiltse** said, "We currently have it on our website or we have it available in our office at Code Enforcement at 1144 S. Seneca."

**Commissioner Norton** said, "Okay. Glen, as the public would comment on it, I wanted to be sure that they had a chance prior to coming today with you just saying your presenting it to have access to it, and they've had access to it."

**Mr. Wiltse** said, "This actually has also been presented to the BoCC back in October of last year, which we received permission from the Commission at that time to present it to Kansas Department of Health and Environment for their approval. Their approval has come back at this point."

**Commissioner Norton** said, "That's all that I have. I just wanted to be sure that the public really did have a chance to see it in plenty of time for today. Obviously nobody stepped forward to comment one way or another."

**Chairman Unruh** said, "All right, thank you Commissioner. Here's another opportunity, does anyone want to speak to this item? I see no one requesting to speak so at this time I will close the public hearing and ask Commissioners, now is there any more question or comments you want to make or ask? Commissioner Parks?"

**Commissioner Parks** said, "Having served in a great number of rural residents, I did have some calls on this and after they looked at the plan they were very satisfied. And in fact, I even talked with one of Commissioner Winters' constituents who had a question about it and he talked with Mr. Wiltse and is very satisfied with it."

**Chairman Unruh** said, "All right, very good. Commissioner Winters?"

**Commissioner Winters** said, "Thank you. Glen, could you tell us who all you have visited with this about from a community standpoint? I mean I know you've got an Advisory Board and, can you just talk about who all has had a chance to review this?"

**Mr. Wiltse** said, "We currently have a Waste Water and Sanitary Code Advisory Board, in fact, the changes have been, the majority of the changes come from the Waste Water Advisory Board through the fact that they work in the industry, they see a lot of the problems out there. So, these changes have been discussed through that and approved through the Waste Water Advisory Board."

## **Regular Meeting, April 18, 2007**

Also, they were presented back in either September or early August to the Wichita Area Builders Association at one of, we have what's called a monthly Codes Committee meeting, it was all presented to them with no concerns with what we were actually requesting to do at that time. Technically, those are the two Boards in seeing the contractors in the industry and all of this is who we've presented it to."

**Commissioner Winters** said, "Thank you very much."

**Chairman Unruh** said, "All right, thank you. Any other comment? Okay, we will consider that we've concluded our discussion and public hearing and we will now move, there's no action required on this agenda item, so we'll move to the next item Madam Clerk."

### **NEW BUSINESS**

#### **G. CODE ENFORCEMENT.**

##### **1. RESOLUTION ADOPTING A REVISED SANITARY CODE.**

**Regular Meeting, April 18, 2007**

**Mr. Wiltse** said, “Basically the Sanitary Code is the majority of the requirements and that is what actually the State requires us to operate under. When we originally took over the enforcement of private waste water within Sedgwick County, which was approximately 2002 I believe, it actually had requirements in it that were in excess of 20-years old.

When we drafted this code, we tried to bring it all up-to-date but in the draft of the code of what we had adopted, it included not only the State’s requirements, we had constructions standards and also some of the new requirements for the new advance treatment systems. It’s worked very well for the last few years, but we started looking at the length of time that it took, that it was going to take to make modifications in the future and today, so we looked at separating out construction standards from the State requirements because we can adopt, of course through this body, our own regulations, over and above what the State has, without going back through State as long as we meet all of their basic requirements.

So, we removed, this code actually is just all of the State requirements but we removed all of the excess requirements that we have, like construction standards, licensing requirements and took them out of the current code and put them in the next code that we’re looking at requesting you to adopt. Virtually, it’s a removal of these standards out of the existing code. And once again, we did take this to the Board, the Wichita Area Builders Association, and they seen no problems with that.”

**Chairman Unruh** said, “All right, thank you Glen. Commissioners, are there any further questions on the detail of this revised code? Seeing none, what’s the will of the Board?”

**MOTION**

Commissioner Norton moved to adopt the Resolution and authorize the Chairman to sign the KDHE Adoption Form.

Commissioner Parks seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye

**Regular Meeting, April 18, 2007**

Chairman Unruh

Aye

**Chairman Unruh** said, "Next item please."

**2. RESOLUTION PROVIDING FOR THE INSTALLATION OF ONSITE WASTEWATER TREATMENT SYSTEMS AND THE LICENSING AND REGULATION OF ONSITE WASTEWATER TREATMENT SYSTEM INSTALLERS.**

**Mr. Wiltse** said, "This Resolution is the majority of what we pulled out of the Sanitary Code and put it into this code itself. It basically deals with licensing and constructions standards of the waste water systems being installed. We did make, there are four or five changes that we've made in this and I will bring those to your attention.

Currently we have a requirement that requires lagoons to be 100-foot from the property line but there is also a waiver form that property owners could sign that allows them to go to 50-foot instead of a 100-foot. We're seeing anywhere from 85% to an excess of 90% of the neighbors getting together and asking for these waivers and then they group them into corners, into little lots, anyways so, rather than make them go another step, we're requesting they put that in the document that allows a 50-foot setback from property line instead of the 100-foot.

Another change is the way that contractors can void permits. Occasionally we've had building contractors decide they didn't want to use the wastewater installer contractor who originally pulled the permit. This gives an exact way that they can void that permit after notification in trying to get them together instead of having two permits out on the same job site and not knowing exactly which one they're going to use until the first one shows up and then it creates a conflict on a job site at times.

Another change, we did correct some misspellings, somehow the spell-check didn't pick up on some of it when it was originally crafted. Another change was the, we showed our one-acre, somehow the old standard showed 40,000 sq ft, which they assumed was an acre, we just increased that to the exact acreage square footage which matches sub-divisions square footage and zoning codes square footage. And those are the changes that we made in this document."

**Chairman Unruh** said, "Okay, thank you. Commissioners, are there any comment or question? What's the will of the Board?"

**MOTION**

**Regular Meeting, April 18, 2007**

Commissioner Norton moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Next item please."

- 3. RESOLUTION AMENDING CHAPTER 6, ARTICLE VI, OF THE *SEDGWICK COUNTY CODE*, THE "SIGN CODE"; AND REPEALING ALL OTHER RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH.**

**Mr. Wiltse** said, "This is a clean-up of Sign Code amendments. We originally drafted this in 2004 and through the last 2-3 years, we've had 2-3 issues that we've noticed that somehow we've overlooked, that was creating some issues with the industry and the public.

One of the issues that we wanted to make a correction on was, when we originally drafted the code, there were requirements for off-site signs, you could only do certain size signs, and like a real estate sign for a subdivision could only be like 8sq ft. Well, you can't see an 8sq ft sign on the highway to direct people off the highway to a subdivision, so that was actually a typo in the code. We've increased that back to the 32 sq ft, which was the original intent.

Another issue was, churches, schools, mining operations could only do like a 8 ft sq sign, unless they went through the conditional use process. This would allow them to do a 32 sq ft sign. Most of the time, these were large tracts of land anyway, so it does allow them the larger sign in their conditional use, or, and if they decide they want a larger sign, they can request that through the conditional use process.

One of the other issues was when, we had a definition and we added some new definitions for signs

**Regular Meeting, April 18, 2007**

because some of the technology has changed a little bit. We had definitions for electronic message sign, but some how that got left out of the code, so this would allow the electronic message signs in commercial and industrial areas.

That is the bulk of the code changes. We had an original committee who we had help drafting this, we went back to that same committee from 2004 and sent all of the Sign Code changes to them and one of the committee members is here, if you have any additional comments or questions, even from him.”

**Chairman Unruh** said, “Okay, thank you Glen. I don’t see anyone with a question right now, but I think it’s important and appropriate that you had other folks who have a vested interest in some of these issues who were part of making this decision. We didn’t make them stay in isolation, so I appreciate all that input. Commissioners, are there any other comments? Commissioner Winters?”

**Commissioner Winters** said, “Well, I guess I would say I do appreciate your having some other people involved, I know that signage is often times difficult, but if businesses, commercial properties don’t have some way to indicate where their businesses are located, it becomes very difficult. But yet we don’t want to go out of bounds trying to let some sign become overly obnoxious.

I’m assuming that with enough discussion going on that if there had of been some real issues or problems, we would have heard about it from those who are interested. And I certainly have not heard from anyone about these changes. I’m going to be supportive. If there are no other questions I’m ready to make a motion.”

**MOTION**

Commissioner Norton moved to adopt the Resolution.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye

**Regular Meeting, April 18, 2007**

Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you Glen. Next item please."

**DIVISION OF HUMAN SERVICES – DEPARTMENT ON AGING.**

**H. GRANT APPLICATION TO KANSAS DEPARTMENT ON AGING FOR PEANE SPECIAL PROJECT FUNDING.**

**Ms. Annette Graham**, Executive Director, Central Plains Area Agency on Aging, greeted the Commissioners and said, "What I bring before you today is a grant application for the Kansas Department on Aging Peane Special Project Grant. This grant is for a \$7,000 proposal to present our Second Annual Statewide Hoarding Conference.

We do have a Wichita/Sedgwick County Hoarding Task Force, which is an ongoing Interagency Task Force whose mission is to coordinate all the action related to hoarding cases in Sedgwick County, which are self-neglect related.

Hoarding is a major and growing issue in our community, both at the local state and national level. More and more of these kind of cases are being identified and they are problematic both for the individual who is involved with self-neglect but also for the safety in the community when they reach a certain level of disrepair and neglect.

We did receive this grant last year, and in fact just last week put on a very successful statewide conference. We had over 177 individuals from across the state who came to this Hoarding Conference, it was statewide representation. We even had interest from areas outside of the state for this conference. We had a national expert come and present and people, the evaluations were extremely positive from everybody that went to that conference. And so we're excited about this opportunity to reapply for the grant.

Our proposal will include to do another national speaker, but also to help others across the state to develop their own Hoarding Task Force in their community because this is, as I say, a big issue. Our local Task Force is a very successful and hardworking group. It is interagency, we have representation, we manage the program but we have representation from the City and County, Code Enforcement, Animal Control, Law Enforcement, Fire Department, Environmental Protection Agency, Mental Health, Social Services, Meals Providers, and we also have representatives from

**Regular Meeting, April 18, 2007**

the University of Kansas, who have an office in aging and long term care, who do some research in this area, who also attend our monthly meeting.

So we are really excited about this opportunity, it is a \$7,000 grant we are applying for. We do have in here a \$3,000 in-kind match, and that basically reflects staff time and also partners who were working with us on the Task Force who would be involved in planning for and hosting this conference. And I would be happy to answer any questions.”

**Chairman Unruh** said, “Well, Commissioners, is there any comment or question? It’s interesting the different issues that emerge as we face aging of our population.”

**MOTION**

Commissioner Welshimer moved to approve the grant application and authorize the Chairman to sign all necessary documents, including the grant award agreement containing substantially the same terms and conditions as this application; and approve establishment of budget authority at the time the grant award documents are executed.

Commissioner Norton seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Thank you Annette. Next item please.”

**DIVISION OF HUMAN SERVICES – COMCARE.**

**I. AGREEMENT WITH HORIZONS MENTAL HEALTH CENTER TO PROVIDE AFTER HOURS MENTAL HEALTH EMERGENCY SERVICES.**

**Ms. Marilyn Cook**, Executive Director, greeted the Commissioners and said, “This is a renewal of a Contract with Horizons Community Health Center. Horizons is located in Hutchinson, KS, but

### **Regular Meeting, April 18, 2007**

the center covers five counties, Reno, Pratt, Kingman, Barber and Harper. Our crisis program maintains a separate line for this center to take their after hours call. You may recall that we also provide this service to Butler and Sumner counties as well, under a separate contract.

In 2006, COMCARE's crisis staff took a total of 1,548 calls for Horizons for an average of about 129 calls per month. So it's significant.

One of those calls was answered on Christmas Day when a young woman called in who was experiencing a number of life stressors, which seemed even more profound to her on that holiday when many people spend that time with loved ones. Her children had been removed from her home, she was having problems with her job, which complicated her ability to be paying her rent, she was having problems and a rocky relationship with a sibling and then problems with a significant other. So she was experiencing a lot of stressors.

The crisis person who took that phone call that day spent considerable amount of time with her, trying to talk through the days disappointments and the stressors and as a result, the caller did go and spend some time with her family and called the crisis person back telling her what an impact that made, to have someone on the other side of the line that cared and helped her sort through that.

We have many such stories involved in our after hours crisis program. We are recommending that you approve this agreement."

**Chairman Unruh** said, "All right, thank you Marilyn. What was the number of calls you said that..."

**Ms. Cook** said, "We took a total of 1,548 over the year, last year and then it was an average of 129 a month."

**Chairman Unruh** said, "And those are all after hours?"

**Ms. Cook** said, "All after hours."

**Chairman Unruh** said, "Perhaps a little off the subject but our crisis call center, we field how many calls per year?"

**Ms. Cook** said, "I just happen to have that number, 52,318 is what we did last year, in 2006 for an average of 4,360 calls a month."

**Chairman Unruh** said, "Okay, thank you. It's a staggering number and I guess that we just need to be reminded that there are folks out here who need someone to talk to and I'm glad that we can

**Regular Meeting, April 18, 2007**

provide that assistance. Commissioner Parks?”

**Commissioner Parks** said, “ Physically, the call takers are in Sedgwick County?”

**Ms. Cook** said, “Yes, they are sitting at our call center in our crises center on Water Street.”

**Commissioner Parks** said, “Okay. I just wanted to make sure that it wasn’t a toll number for those people that needed to make that, if it was based in Hutchinson. And there are no other Sedgwick County service vendors that applied for this?”

**Ms. Cook** said, “Not to my knowledge. It’s something that we have done for Sedgwick County, as a community mental health center and so community mental health centers in other communities have turned to us to provide that service as well. We also, by the way, are available for those residents, whether it’s that Contract or the one with have with Sumner or Butler, if someone does want to drive and come in and talk to someone face-to-face, we also are available to do that under this Contract and sometimes that does happen.”

**Commissioner Parks** said, “This is kind of a specialized service though?”

**Ms. Cook** said, “Absolutely.”

**Commissioner Parks** said, “I just wanted to ask those questions. Thank you.”

**Chairman Unruh** said, “All right, thank you. Commissioners, any other comment or question? What’s the will of the Board?”

**MOTION**

Commissioner Winters moved to approve the agreement and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye

**Regular Meeting, April 18, 2007**

Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Next item please."

**J. AGREEMENT WITH EAGLES REALM, L.L.C. FOR USE OF SEDGWICK COUNTY PARK FOR THE GREAT PLAINS RENAISSANCE FESTIVAL.**

**Mr. Mark Sroufe**, Superintendent, Sedgwick County Park, greeted the Commissioners and said, "I'm here today requesting approval of a five-year agreement for the use of the Sedgwick County Park for up to two events per year with Eagles Realm."

This will be the sixth year for this event that includes theatrical shows, heavy armor combat shows, Amira Bell Dancer shows and various musical performances and vendors selling goods and performing demonstrations.

Like I said, this is the sixth year for this event, it has been a good event, very well attended. Located in the north section of the park and with that, I request your approval, if you have any questions, I'll be happy to answer them."

**Chairman Unruh** said, "All right, thank you Mark. This, have our previous agreements been a five year?"

**Mr. Sroufe** said, "No, they have been one year deals. A five year agreement will allow the promoter to better plan for future events."

**Chairman Unruh** said, "Okay. And this sort of thing, nobody gets hurt or anything out there?"

**Mr. Sroufe** said, "They might get hurt, they get roughed up pretty good, but nothing very serious, that I'm aware of."

**Chairman Unruh** said, "We've got a way to indemnify ourselves from that?"

**Mr. Sroufe** said, "That is correct".

**Chairman Unruh** said, "Thank you. Commissioner Parks?"

**Commissioner Parks** said, "This is nothing that we need to have in our Master Park Plan that we talked about last week is it? That would go along with that or anything?"

**Regular Meeting, April 18, 2007**

**Mr. Sroufe** said, “Possibly. I’m not familiar with that plan.”

**Commissioner Parks** said, “We deferred some things last week. I didn’t know if this was something that would have to dovetail in with that or not.”

**Chairman Unruh** said, “Assistant County Manager, Ron Holt?”

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, “If I just might weigh in. This is the sixth year of this event, so if we have established a relationship there, and understand the nuances of this event, the crowds that come with it and so, I would say by having this long history, we’ve established that as a part of the Park Plan. And this is a one day, it’s not a permanent, it’s a weekend deal and will be happening twice a year.”

**Commissioner Parks** said, “Okay. I just wanted to make sure that we clarified that. Thank you.”

**Chairman Unruh** said, “Commissioner Winters?”

**Commissioner Winters** said, “Thank you. Just kind of, coming off of Commissioner Parks' comments, this is one of the issues that I think that kind of does fit in to a plan. This event takes a lot of space in the park and last week we were about to vote on a recommendation on our project that would take a lot of space in a different part of the park.

And it was my thought that we just need to have a coordinated plan of where we want to keep open spaces, where we want to let public activities to happen and if we would do something that would have unintended consequences down the road, I just think we need to think about what a master plan for that park looks like. And so, if we have requests, we can say, yes we do have some area at the park that would be available or we can say, no we’re going to keep this part of the park totally open space and green space and yet have some rationale behind making that kind of a commitment.

So, I hope as we go on through this year, we do think about the process of refining our overall future plans with the open space that we have, really in that entire section of ground, because there is significant open space and I just think we ought to think through things in a more rational way. Again, from what I’ve heard, this is been a pretty well attended event that’s happened again for the last six years. I’m going to be supportive with taking Mark’s recommendation and moving forward. Thank you.”

**Chairman Unruh** said, “Commissioner Norton?”

**Regular Meeting, April 18, 2007**

**Commissioner Norton** said, "I'm going to be supportive of this. Is Eagles Realm the LLC that used to provide this for Newman University?"

**Mr. Sroufe** said, "Yes sir."

**Commissioner Norton** said, "For many, many, many, many years?"

**Mr. Sroufe** said, "Yes sir."

**Commissioner Norton** said, "Okay. Was the event last weekend or this weekend?"

**Mr. Sroufe** said, "It's coming this weekend."

**Commissioner Norton** said, "This weekend? Okay. So we're just barely getting this under the wire to let them move forward? I'm okay with that, wish we'd have probably approved it a month or two ago so it wasn't so close to the event in case we had some consternation about it. Hopefully we don't have any. It's well attended, it's pretty professional, they've gotten, it's not like they have been doing it just six years at Sedgwick County Park, they did it for many years at Newman University and was very well respected.

So, I'm going to be supportive, it probably does fit in some kind of a plan down the road but I would hate to think that we're going to diminish a great festival like this by, you know, the conversations we're going to have on a completely different issue. That's all I have."

**Chairman Unruh** said, "All right, thank you. I don't see any other requests to speak. Ready for a motion."

**MOTION**

Commissioner Winters moved to approve the agreement and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye

**Regular Meeting, April 18, 2007**

Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you Mark. Knock yourself out. I mean don't knock yourself out. Madam Clerk, call the next item."

**K. AMENDMENT TO THE 2007 CAPITAL IMPROVEMENT PROGRAM (CIP) TO INCLUDE CONSTRUCTION OF A JUVENILE RESIDENTIAL FACILITY CLASSROOM, TEACHER'S OFFICE AND STORAGE.**

**POWERPOINT PRESENTATION**

**Mr. Pete Giroux**, Senior Management Analyst, Budget Department, greeted the Commissioners and said, "Public Safety has requested a CIP amendment to construct a classroom, teacher's office and storage at the Juvenile Complex for students and the Juvenile Residential Facility.

As you are well aware, this facility provides a supervised living situation for those individuals who require detention but not secured confinement, and the programs designed to promote ties to both the youth's family, their schools and their community.

During the school year about 2/3 of the residents there attend schools in the community while the remainder receive instruction from USD 259 in the facility. During the summer all 24 residents receive classroom instruction there. Currently, those classes have been conducted in the commons area of the facility and, although the class area is screened or partially screened, interruptions from normal activity in the facility can be distracting.

As a result, USD 259 has requested that the learning environment be approved to be more consistent with schools and the other juvenile settings that are managed by Sedgwick County. To that objective, our Corrections staff and Projects Services explored a variety of alternatives and concluded that the best solution was to construct a classroom facility. And that classroom would include, as I indicated earlier, teacher's office, storage and it's generally attached to the current facility near the existing indoor gymnasium.

Project is estimated at \$201,070 and we have funds available after reviewed by both Finance and Accounting staff within the existing Bond Issues for projects at the complex. The CIP Committee

**Regular Meeting, April 18, 2007**

and staff both recommend approval. Do you have any questions? We've got expert staff available."

**Chairman Unruh** said, "All right, thank you Pete. Commissioners, is there any comment or question about this need for classroom space? Probably most of us have been down there and observed that and the situation as it currently exists, is really not acceptable and I think it would be difficult for the young people to have a good learning situation in the environment that they have, so it's something I think we need to proceed with. We have a comment from Commissioner Norton."

**Commissioner Norton** said, "Actually, as we look at this, are we under any kind of a mandate to proceed with education for those that are held in our detention center? I mean the truth is, the easy way to get out of this is just say we don't have the facilities, we're not going to do that. I mean, that would save the money. Are we mandated to deliver education to those individuals? I guess maybe Mark Masterson can speak to that."

**Mr. Mark Masterson**, Director of Corrections, greeted the Commissioners and said, "We're mandated to have education available and to have an agreement in place with the school district for that education. The school district advised us that if we did not provide adequate classroom space, they would move us to, what's called, homebound, which would change us from receiving 6 hours, 20 minutes of education per day to 1-½ hours of tutoring in the evening. We thought that was unacceptable and this remedy corrects that and allows education to continue at that site."

**Commissioner Norton** said, "Does the school district get reimbursed for the credit hours, like they would a normal student in the USD 259?"

**Mr. Masterson** said, "Not at the rate for a normal student, at double the rate, because these are at risk students."

**Commissioner Norton** said, "And that money goes in, we provide the facilities, they provide all the instruction, curriculum, materials, the teacher, all of that, is that correct?"

**Mr. Masterson** said, "That is correct."

**Commissioner Norton** said, "Okay. I just wanted to be sure, I mean, it's a bad situation that's there now, and it's not something that we can remedy by just saying we're not going to do it any longer. We're going to do something in my case, is that correct?"

**Mr. Masterson** said, "Yes."

**Regular Meeting, April 18, 2007**

**Commissioner Norton** said, "Okay, that's all I have."

**Chairman Unruh** said, "All right, thank you. Commissioner Winters?"

**Commissioner Winters** said, "I guess another question for Mark. Mark, I was down and took a tour not long ago of what the current environment and teaching situation is like and it seemed to me, at the least, to call it very chaotic and lots of people in close proximity of the students. I guess, if you, if this is one part of the continuum, I'm sure there's better teachers and instructors than others, and if the environment is right, that teacher can have probably a pretty positive affect on some of these young folks. If the environment is not right, it could be less than effective. Would you make a comment just about your thoughts about the teaching environment and what that means to some of the residents that we have there?"

**Mr. Masterson**, said, "Well, the opportunity that's presented by being at the detention center in the education arena is, dramatic gains are made and the skills and abilities of the teacher and the consistency of having the same teachers work with those youth over time, is a significant benefit.

At this residential facility, which is next to our detention facility, they have been, the district has been unable to find and maintain a permanent teacher. So what has happened, in part because of this condition there, is continuing substitute teachers being provided and that lack of continuity has a poor impact on education."

**Commissioner Winters** said, "So if we could get a good facility, there are probably teachers that would consider that more a long term position and want to stay for longer than just a few days or a few weeks?"

**Mr. Masterson** said, "Yes."

**Commissioner Winters** said, "All right, thank you very much for those comments."

**Chairman Unruh** said, "All right, thank you. Commissioner Norton?"

**Commissioner Norton** said, "As with any facility, if they are going to be teaching during the day, are there other uses for this, can you expand educational kinds of things because we have a nice classroom now and a facility, can it be used for other endeavors?"

**Mr. Masterson** said, "This space will be multi-purpose space. We'll use it for life skills training classes, we'll use it for staff training as well."

**Commissioner Norton** said, "That's all I have Mr. Chair."

**Regular Meeting, April 18, 2007**

**Chairman Unruh** said, “Okay, thank you. Commissioners, are there any other questions of Mr. Giroux or Mr. Masterson? What’s the will of the Board?”

**MOTION**

Commissioner Welshimer moved to approve the CIP Amendment.

Commissioner Winters seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, “Thank you Pete. Next item please.”

**L. KANSAS COLISEUM MONTHLY REPORT.**

**POWERPOINT PRESENTATION**

**Mr. Jon Nath**, Director, Kansas Coliseum, greeted the Commissioners and said, “Report today on the operation of during March at the Coliseum. It was a good month for us. We had over 80,000 people through the doors, 45 individual performances and our net revenues for the month were in excess of over \$400,000.

Start off with the Chisholm Trail Antique Gun Show. They had a really good run this time with over 8,500 folks through the door. The Royal Lipizzan Stallions, recurring family show, we do this every couple of years. It is always very well received,, nearly 1,800 folks in attendance. Park City Wrestling Classic, over at Pavilion 2, this is the little kids wrestling, again about 1,800 folks in attendance. Kansas Arabian Horse Show, beautiful animals, 1,500 in attendance. Sesame Street

### **Regular Meeting, April 18, 2007**

Live, one of our annual favorites, five performances over 10,000 people.

Then we go into the Cirque Du Soleil. Commissioners, this is a prime example of the importance of having our promotions fund. And it's also a good illustration of how speculative our business can be. When Live Nation approached us last September about the idea of doing this show, they were very hesitant. The risk to reward for them was very, very narrow. They felt more comfortable having a partner and they asked us to co-promote the show, which we had the ability to do through our promotions fund, which is set up by our concessionaire. We did our research and sometimes you have to follow your gut, sometimes you got to go with your instinct, we decided it was a very good idea. Commissioners, the first show sold out in an hour, the second show sold out in a day, and the third show came within 100 tickets of selling out. And visually stunning, it was an incredible event. It's always nice to prevent, to be able to present an event of this caliber, it was a lot of fun. They had over 11,000 in attendance.

We had Midwestern ¼ Horse Show, another annually recurring event. Spring Madness Go-Kart Races over in the arena building, again we promote this event. Yappy Days, all about dogs, celebrating people who love their puppies, they had a lot of fun. We had the big and the small. Earth, Wind & Fire in concert to finish out the month. It was a great concert. Had over, almost 7,000 people in attendance for that.

And then we finished out the month, the Thunder finished out their regular season with 7 games during March and over 32,000 in attendance. The Thunder had a heck of a year last year. Their attendance was up 5% over last year. The tickets sold were up over 19%, they had over 190,000 tickets sold. And their ticket sales, bringing in over 1.7 million dollars in ticket sales. So the Thunder had a great year. That's only regular season, I don't have the play off games in there. Unfortunately, they, well they did get to the play offs into the first round, deep into the first round, but their season ended last Tuesday with their loss to Bosier City.

Coming up, we have Manheim Steamroller presenting their fresh air, new age music this Saturday. US Weapons returns with their Gun and Knife Show this Saturday and Sunday. We'll have two performances with Thomas the Tank Engine and His Friends on April 24<sup>th</sup>. An event called Living the Rural Lifestyle on April 28<sup>th</sup>, Wichita Wild season opener, also on the 28<sup>th</sup>, the Cattleman's Ball on the 28<sup>th</sup> and the Heartland Miniature Horse Show on the 28<sup>th</sup>. All four of our buildings will be busy that weekend.

## **Regular Meeting, April 18, 2007**

Wichita Wild will return May 5<sup>th</sup> for their second home game, the Midwest Car and Bike Fest on May 6<sup>th</sup>. We have Tool in concert on May 11<sup>th</sup> and the Wichita Wild, again, play on May 12<sup>th</sup>. Commissioners, if there are any questions, I would be happy to answer them at this time.”

**Chairman Unruh** said, “Well, thank you John. It sounded like you had a busy last month and a busy month coming up.”

**Mr. Nath** said, “It’s pretty busy.”

**Chairman Unruh** said, “All right. And the weekend of the 28<sup>th</sup>, with three events going on at time, I mean do you anticipate parking problems?”

**Mr. Nath** said, “No, we have nearly 5,000 spots paved. There shouldn’t be any issues at all.”

**Chairman Unruh** said, “All right, very good. We have a comment from Commissioner Parks.”

**Commissioner Parks** said, “So, Mr. Nath, Live Nation contacted you on the Cirque Du Soleil?”

**Mr. Nath** said, “Yes. We originally started talking to them in September. We do a lot of co-promotions with Live Nation. Either through the St. Louis office or through their local representative in Lawrence who is an outfit called Mammoth Live. That’s who we’re doing the Tool show with.”

**Commissioner Parks** said, “Thank you.”

**Mr. Nath** said, “You’re welcome.”

**Chairman Unruh** said, “Commissioners, any other questions or comments? What’s the will of the Board?”

### **MOTION**

Commissioner Norton moved to receive and file.

Commissioner Parks seconded the motion.

There was no discussion on the motion, the vote was called.

### **VOTE**

**Regular Meeting, April 18, 2007**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "Thank you John. Next item please."

**M. MEMORANDUM OF UNDERSTANDING (MOU) WITH JERRY WHITE, d/b/a/ ECLECTIQUES, LOCATED AT 301 SOUTH ST. FRANCIS.**

**Mr. Ron Holt**, Assistant County Manager, greeted the Commissioners and said, "This is one of four Memorandums of Understanding we will have coming before you, two today and we will have two next week."

This Memorandum of Understanding is with Mr. Jerry White, who is doing business as Eclectiques, which is in the arena site, 301 S. St. Francis. The County acquired this property as a part of the acquisition process for the Downtown Arena and is part of the process, Mr. White was given a 30-day notice to vacate, which ended on April 7<sup>th</sup>. We worked with him, he was not able to make a move at that time, this Memorandum of Understanding provides additional time for Mr. White as will the other Memorandums of Understanding that we will be bringing before you, to vacate this property. His vacation date is 11:59 p.m. on or before 11:59 p.m., June 3<sup>rd</sup>.

Additional considerations of this MOU are that no monthly lease payments will be charged by the County if this vacation deadline of June 3<sup>rd</sup> is met. If the tenant has not moved out by this time, the fair market value of rent will be charged retroactively, no additional time extensions will be permitted, 25% of the relocation benefits payable to the tenant will be held by the County until the property has been vacated and the tenant is responsible for utilities, maintenance and personal property insurance.

I might just say, Commissioners, that these Memorandums of Understanding are to give us legal standing should we need it and the tenant does not move at these dates. However, I can tell you, we've been in discussion with all of these tenants, we expect, we don't expect that we will need to take any legal action, we have a good agreement, good understanding for these move dates. So, I would recommend that you approve the Memorandum of Understanding and authorize the Chairman to sign. I would be happy to answer any questions."

**Regular Meeting, April 18, 2007**

**Chairman Unruh** said “Okay, thank you Ron. This will not, in any way, interfere with our time schedule to proceed with our project?”

**Mr. Holt** said, “This will not delay our project. We have looked at these properties and we decided that they, we can give these tenants, these property owners, this extended time and not have it impact the start date of the arena.

We are in the process with the other properties that we require down there, doing asbestos and hazardous material surveys, doing asbestos and hazardous material abatement, and in fact we’re getting very close, I keep getting anxious about this, about starting some demolition work on that site. But we will work around these properties and will be able to move very quickly, once they have been vacated. But it will not preclude going ahead and starting demolition on some other properties down there.”

**Chairman Unruh** said, “Okay, very good. And you made a comment that this is fully understood and an amicable agreement, we don’t expect any resistance as they approach the deadline?”

**Mr. Holt** said, “That is correct.”

**Chairman Unruh** said, “Okay, very good. Commissioners, are there any other comment or question?”

**MOTION**

Commissioner Welshimer moved to approve the MOU and authorize the Chairman to sign.

Commissioner Winters seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye

**Regular Meeting, April 18, 2007**

Chairman Unruh

Aye

**Chairman Unruh** said, "Next item."

**N. MEMORANDUM OF UNDERSTANDING (MOU) WITH AUTOGLASS PLUS LLC, LOCATED AT 219 SOUTH ST. FRANCIS.**

**Mr. Holt** said, "This is the second of four Memorandums, second today, we will have two more next week, as I mentioned earlier."

This Memorandum of Understanding is with Autoglass Plus, LLC, who is a tenant in one of the buildings that we acquired from the property owner. This Memorandum of Understanding allows this tenant to remain in the building up until, he will need to move on or before, 11:59 p.m., May 6, 2007.

Again, the other conditions and considerations apply to this agreement as it did to the last one and again, we do not expect any further actions needed to get the tenant to move. We have an amicable understanding about moving and this agreement just makes sure that the County is protected should something happen otherwise."

**Chairman Unruh** said, "Okay. This one here is only about two and a half weeks away or so?"

**Mr. Holt** said, "That's correct."

**Chairman Unruh** said, "Okay. Commissioners, we are ready for a motion, I think."

**MOTION**

Commissioner Winters moved to approve the MOU and authorize the Chairman to sign.

Commissioner Welshimer seconded the motion.

**Chairman Unruh** said, "Commissioner Parks?"

**Commissioner Parks** said, "Yes, this building at 219 S. St. Francis, the tenant is Autoglass Plus, but there is an owner in this one, correct?"

**Mr. Holt** said, "The previous, the County is the owner currently, due to the acquisition process, but there was a different owner that we acquired the property from than Autoglass Plus. Autoglass Plus was a tenant in the building and we acquired the building from the owner and

**Regular Meeting, April 18, 2007**

they then, as a tenant, having to relocate.”

**Commissioner Parks** said, “Have all personal property issues been taken care of with the owner of this building and...”

**Mr. Holt** said, “In 219, for the 219 building, for the most part. There may be some other, because this property owned this building plus another building. And so there may be some additional considerations, which we need to get advice, legal advice and counsel to discuss with you about that.”

**Commissioner Parks** said, “I would hope that we’d work amicably with these people to get that resolved. Thank you.”

There was no further discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**O. REPORT OF THE BOARD OF BIDS AND CONTRACTS’ REGULAR MEETING OF APRIL 12, 2007.**

**Ms. Iris Baker**, Director, Purchasing Department, greeted the Commissioners and said, “The meeting of April 12<sup>th</sup> resulted in three items for consideration today.

**1) BRIDGE IMPROVEMENTS-PUBLIC WORKS  
FUNDING-PUBLIC WORKS**

First item, bridge improvements for Public Works, recommendation is the low bid of King Construction Company, Inc. in the amount of \$229,649.60.

**2) PROQA MEDICAL SOFTWARE-EMERGENCY COMMUNICATIONS  
FUNDING-EMERGENCY COMMUNICATIONS EQUIPMENT  
RESERVE**

**Regular Meeting, April 18, 2007**

Item two, ProQA Medical Software for emergency communications, recommendation is the quote from Priority Dispatch and execute a Contract in the amount of \$41,739.50.

**3) LAMPS AND BALLASTS-FACILITIES DEPARTMENT  
FUNDING-FACILITIES DEPARTMENT**

And item three, is lamps and ballasts for Facilities Department, and the recommendation is to accept the over-all low bid meeting requirements from Advanced Lighting for an estimated annual cost of \$38,342.60, and establish contract pricing for one-year with two one-year options to re-new.

I'd be happy to answer any questions, and I recommend approval of these items.”

**Chairman Unruh** said, “All right. Thank you. Commissioners, are there any questions for Iris about the Bid Board report?”

**MOTION**

Commissioner Winters moved to approve the recommendations of the Board of Bids and Contracts.

Chairman Unruh seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Ms. Baker** said, “Thank you.

**Chairman Unruh** said, “Thank your Iris. Next item please”.

**CONSENT AGENDA**

**Regular Meeting, April 18, 2007**

**P. CONSENT AGENDA.**

**Mr. William P. Buchanan**, County Manager, greeted the Commissioners and said, "I would recommend that you approve the Consent Agenda as presented to you and remind you that there's 257 days left until the sales tax expires."

**Chairman Unruh** said, "Thank you. Commissioners are there any questions? What's the will of the Board?"

**MOTION**

Commissioner Parks moved to approve the consent agenda as presented

Commissioner Winters seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Q. OTHER**

**Chairman Unruh** said, "Well Commissioners, we have an Executive Meeting that we need to have at the end of our meeting, but before we recess for that, this is the time to speak about 'Other'. Commissioner Winters?"

**Commissioner Winters** said, "I had just two quick things. I wanted to comment on the Links for Life event last Saturday, but before we do that, I did see in this morning's Wichita Eagle that the City of Wichita is wanting to form this Task Force to discuss gaming and we don't normally take motions and vote on things in the "Other" portion, but I think we need to say something about their Task Force. I think it sounds like an opportunity to have our staffs connect with their staffs as far as laying the ground work for information that we're all going to need over the next few months, so, just from my perspective, I appreciate them wanting to make this contact and I think we should be supportive. But that's just my view."

## Regular Meeting, April 18, 2007

**Chairman Unruh** said, "The Task Force that's going to be formed, Mr. Manager, is for information and looking at various alternatives, it's not decision making body in anyway?"

**Mr. Buchanan** said, "It's my understanding that it's to do the staff work so that you and the City Council can make an informed decision at some point."

**Chairman Unruh** said, "All right. Thank you."

**Commissioner Winters** said, "Can I ask him a question then?"

**Chairman Unruh** said, "Yes sir."

**Commissioner Winters** said, "Mr. Manager, are you comfortable with just moving forward then? I don't know that we need to have this as an agenda item and take formal action. I would assume that you could begin those discussions with their staff and then if there needs to be an action item, you could bring that to us at a later date. But just to get the discussion started, do you need an action item?"

**Mr. Buchanan** said, "I don't think so. From our discussion yesterday, it was clear to me that this Board of County Commission is very interested in this issue and wants to proceed and needs to have some information before we can proceed. And so I think that's the purpose of this Task Force. And I will keep you informed as to the progress of what we're doing and the routine on a regular basis."

**Commissioner Winters** said, "Thank you. That's all I have about that. I do have another subject that...."

**Chairman Unruh** said, "All right, I will come back to you. Commissioner Parks?"

**Commissioner Parks** said, "Yes, when we're talking, when you say with the City, I think we need to include any other cities that might have a proposal also. If Haysville wants a casino, I think we should be able to do that or Park City or Valley Center, you might use any of those other communities that might want to get involved in these discussions. Thank you".

**Chairman Unruh** said, "All right then. We will just have our consensus that we're approving of this. Now back to "Other", and Commissioner Winters?"

**Commissioner Winters** said, "I just wanted to make a comment on the success of the Links for

### **Regular Meeting, April 18, 2007**

Life event out at the Zoo last Saturday morning to help heighten the awareness of suicide in our community and try to bring some helpful information to a lot of folks that we may somehow affect that event.

The COMCARE folks did a great job, there were over a hundred volunteers involved in helping with these races, there were over, last year I believe there were a little under a thousand people signed up, this year there were 1,300 people signed up.

As you remember, it was a terrible weather day early in the morning. That kind of got better as it went along, but early in the morning it was pretty cold. But the races started at 7:45 and Commissioner Unruh and I were there until after 11:00, acting as starters for each one of the races from adults right on down to the 50-foot walk-crawl practically. But it was a great family event and we really appreciate all the people who helped bring it off.

It had a great band there, Broken, playing throughout the morning. There were all sorts of folks who participated, but COMCARE did a another great job and we look forward to the event next year. Thank you.”

**Chairman Unruh** said, “All right, very good. Commissioner Norton?”

**Commissioner Norton** said, “I kind of want to go back to the old Task Force issue. I agree with Commissioner Parks that other jurisdictions should be brought into this because there’s large discussion of where this is going to be and some of it affects other jurisdictions besides the City of Wichita and Sedgwick County.

The other part of it, that concerns me, is that as important as this is, I haven’t heard that elective officials are going to be part of this Task Force. I just don’t know how we just turn it over to staff and not have elective officials very much engaged in this conversation between whoever is going to be at the table. I just can’t buy into that we want to put it through the filters of staff and then just get a recommendation.

I think there are too many nuances to this that some of our elective body need to know about as the conversations going and not just get a presentation at some point that kind of tells us where all the conversations been. But we need to be engaged in that and that may be a different thought then where we want to move forward on this. I would certainly think that’s important.”

**Chairman Unruh** said, “Well, thank you. And we have some other comments. I just want to respond to say I think, I intend to be as involved as possible and this is an information resource. I appreciate your comment because we need to be involved and I think we will be. But on the other

### **Regular Meeting, April 18, 2007**

hand, I look favorably on the information and analysis that we can get. Commissioner Winters?”

**Commissioner Winters** said, “I was going to say, Commissioner, that I agree with that. I know very little about this original plan and I don’t think there’s much hard data on what this Task Force plans on doing or how they’re going to do it.

I was at a meeting Monday afternoon, and Carl Brewer, the Mayor, was there, and just in a private conversation indicated that he was wanting to work with Sedgwick County and others to come up with, what is hopefully, some good plans for our community and region. And Carl said that he wanted to bring together a group and I said that I thought it sounded like a good idea. Outside of that, about all I know about is what I read in the paper this morning. So I’m just kind of getting my information from the paper.

But I would assume that, what I was referring to, is that I would like for Bill Buchanan and others on our staff to meet with George Kolb and the City of Wichita and layout some kind of plan in which they can go about information gathering and start bringing that to elected officials and then if there’s a time that elected officials need to meet with each other, then I certainly am willing to do that. I think before we start talking among ourselves, we need our staffs to start building some ground work and foundation of information for us.”

**Chairman Unruh** said, “Mr. Manager?”

**Mr. Buchanan** said, “It had been my thought from the very beginning, that this model that this City would use would be a model that has been successful. When we did the Arena, in which elected officials were involved in that Task Force. When we did Air Fairs and elected officials were involved in that Task Force. And we recently are in the process of doing the planning and implementing the Jabara Campus where elected officials are involved. So I would, I just think that’s the model we have to use.”

**Chairman Unruh** said, “Okay, thank you. Commissioner Welshimer?”

**Commissioner Welshimer** said, “Is that model strictly research, strictly information gathering? Or is it setting out policy and plans?”

**Mr. Buchanan** said, “Each of those Tasks Force, each of those projects had a different goal in mind and I think that is where George Kolb, the City staff and we, need to sit down and figure out, it

### **Regular Meeting, April 18, 2007**

seems to me that the goal for this is to provide the foundation for elected officials to make an informed decision. And when it comes to horse-trading, negotiating, it has to come from this bench and their bench....”

**Commissioner Welshimer** said, “That’s what I’m asking. Any agreement or promises or assurances or anything like that are going to come from elected officials?”

**Mr. Buchanan** said, “Absolutely. It cannot come from staff. It has to come from the bench. What we need, if you assume that we’re going to either agree or hold hands with all the communities in this City that site A is the best site, or that you agree that’s not going to happen and there’s going to be competition. Let’s understand what the facts are so we can argue from our, each perspective point of view so that we’re not arguing about the facts. So that we understand where the traffic is and where the parking is, where it is or it isn’t, so that’s what I think where the purpose of this Task Force would be.”

**Commissioner Welshimer** said, “And that would include, not only elected officials, but decide what assurances were made but also things that we would not do for instance? In other words, in your research, in your gathering of information for us, there won’t be any statements of what we would not do or what we would do?”

**Mr. Buchanan** said, “ I don’t envision this Task Force doing that. I envision this Task Force bringing back detailed information as to what the law says or the nuances of the law is, and what the best locations, what are the best potential locations in the community. One of the consequences that we can think of, if we choose site A or site B or site C, what are the consequences of that? Some are good, some are bad but we have to understand what those consequences might be.”

**Commissioner Welshimer** said, “Okay, thank you.”

**Chairman Unruh** said, “Okay. Any more discussion on this particular item before we go on to other “Other”?”

**Commissioner Norton** said, “I guess it’s just the Manager’s choice of a word and that’s our choice, we’re not going to choose anything I don’t believe. We are going to advocate for a site. I mean, this Task Force, these bodies are not going to choose anything. As I understand the Legislation, that’s going to be done by the State. So, I mean, we’re going to be maybe advocating for something at some point and I see that all the Tasks Force in the world may not change some jurisdictions from advocating within our county for where they want it based on how they are lobbied, how the developers push them, what the money flow looks like and the revenue looks like to them as an individual jurisdiction.

### **Regular Meeting, April 18, 2007**

I think we can Task Force all along and it's still going to come down to some elected officials pushing their agenda, regardless of what the facts are. I just think that it's going to come back down to elected officials to make this. Developers can go to the State and lobby freely. Individuals jurisdictions, regardless what the City of Wichita or Sedgwick County say, can go before the Legislature and the Lottery Commission and lobby regardless of what this Task Force comes up with. So I just think we can almost skip that for me and go straight to the elected officials talking this out because that's what it is really going to boil down to is whether we're going to advocate for our jurisdiction to have the whole piece of the pie or to share it. And I think it just adds layers to the onion. Just my thought."

**Chairman Unruh** said, "I appreciate that. My hope is that we might come to a consensus as to what might be the best proposal to take to the State among several jurisdictions with the argument that this will have the opportunity to be the most successful, it will drive tourism, and it will bring the most benefit to citizens of Southcentral Kansas. You know, we may not get there. We may be, just like you described, but perhaps this gives us a chance to arrive at that consensus.

Okay, another other comment on this issue? If not, we are still in "Other" and I have a couple of things I wanted to say.

I was along with Commissioner Winters at Link for Life. We had a great time out there. It's a great family event and I think everyone enjoyed themselves.

Also, along with Commissioner Welshimer and Commissioner Winters, I was at the 787 Dream Liner roll out of their new composite nose section, which was quite an impressive tour of that facility and the product of all that engineering technology to see a huge big-old piece of airplane roll out and it wasn't riveted together, it was a one piece composite. And we can really be proud of the engineering technology and the craftsmanship and the determination that it took to get that thing put together and do it right here in Southcentral Kansas. I think it would be a stimulus to the young people to say that there is just a lot of opportunity in mechanical engineering and industrial engineering. They really bring a product to society that's beneficial to everybody and be involved in great progress. It was truly an impressive thing.

Also, I want to say that I got to participate in Wichita Insight, where we spoke to some of the new executives in Southcentral Kansas. They had a program put on by the Wichita Metro Chamber and got to meet some of the new leaders and talked about what Sedgwick County government does and how it's effective in serving the citizens of Sedgwick County. So that was fun.

## Regular Meeting, April 18, 2007

And then lastly, a comment about the zoo. Had some otter pups born out there just last week. We don't know how many of them there are, but they will be fun to go out and watch when people show up to see the opening of the penguin exhibit. Ribbon cutting of that is May 25<sup>th</sup> and I think that's on schedule. We've got eleven penguins here now and our zoo director hasn't even been over to see them. We are doing this thing very deliberately, but we got that many penguins around. And on the 24<sup>th</sup> they are going to start putting water in the penguin exhibit and make sure that it holds water, I guess. Things are happening. It's an exciting time.

That's all I had. Commissioner Parks, you may speak."

**Commissioner Parks** said, "Well, the cause that I volunteered for on Saturday was 'Big Brothers/Big Sisters' bowling. I've been involved in this some, over ten years with the 'Kevin Easter Cops for Kids' and now I'm kind of in a different role, but it is a good cause and I would like to thank everybody who gave to that.

Also, I would like to remind the citizens of Kansas that tens days until pro-football comes to Kansas. The Wichita Wild at the Kansas Coliseum and Britt Brown Arena, we'll be there and looking forward to that. And have a little special presentation you'll want to tune into next week, I think, during the Commission meeting. Thank you."

**Chairman Unruh** said, "Thank you. Commissioner Norton?"

**Commissioner Norton** said, "I had just two things. Exploration Place has 'When Crocodiles Rule' and it got off to a great start so I would urge you, if you're looking for a family event, something interesting, 'Crocodiles Rule', they are at Exploration Place. I don't have any numbers from the first weekend, but I will provide some numbers next week, but we continue to draw crowds and Exploration Place continues to do some exciting things for the community and for families and for education.

Finally, I was at the Aviation Tech Center's graduation, I didn't make it to the Link for Life. I was there supporting that part of, one of missions and this year, this quarter they had 30 graduates. We had a great event with a lot of family and people there. Felix Kacowel from the FAA was the guest speaker and we formed a great partnership with the FAA, some educational providers and with WATC to start training a lot of folks in the aviation industry.

It's interesting that you talk about the Boeing roll-out and composites and this technical training for

**Regular Meeting, April 18, 2007**

these individuals is going to be so important because it really is very, very technical engineering that is starting to happen in our community and that's incubated through NIAR and as we grow that industry, it's going to be important. We have people that understand the new technologies that have the skills to make sure that those jobs stay here as they're incubated in Wichita.

Great graduation, another class, over 30 this time, and it looks like they are going to expand and try to start offering classes on the West side now, to even grow that program more as we move towards being able to put that into the new campus out East. That is all I have to share."

**Chairman Unruh** said, "All right, very good. Well, I see no one else requesting to speak, so I think we are ready for a motion for Executive Session.

**MOTION**

Commissioner Winters moved to recess into Executive Session for 20 minutes to consider consultation with legal counsel on matters privileged in the attorney/client relationship relating to legal advice and preliminary discussions relating to acquisitions of real property for public purposes and that the Board of County Commissioners return to this room from executive session no sooner than 11:40 a.m.

Commissioner Norton seconded the motion.

There was no discussion on the motion, the vote was called.

**VOTE**

Commissioner Norton	Aye
Commissioner Winters	Aye
Commissioner Parks	Aye
Commissioner Welshimer	Aye
Chairman Unruh	Aye

**Chairman Unruh** said, "We are recessed."

**The Board of Sedgwick County Commissioners recessed into Executive Session at 11:20 a.m. and returned at 11:52 a.m.**

**Regular Meeting, April 18, 2007**

**Chairman Unruh** said, “We are back from Executive Session and call our regular meeting of County Commissioners back to order. And I will declare for the record that while we were in Executive Session, no binding action was taken. So with that Commissioners is there anything more you all want to add? Mr. Euson? Mr. Manager? We are adjourned.”

**R. ADJOURNMENT**

There being no other business to come before the Board, the Meeting was adjourned at 11:53 a.m.

**BOARD OF COUNTY COMMISSIONERS OF  
SEDGWICK COUNTY, KANSAS**

---

**DAVID M. UNRUH**, Chairman  
First District

---

**TIM R. NORTON**, Commissioner  
Second District

---

**THOMAS G. WINTERS**, Commissioner  
Third District

**Regular Meeting, April 18, 2007**

\_\_\_\_\_  
**KELLY PARKS**, Commissioner  
Fourth District

\_\_\_\_\_  
**GWEN WELSHIMER**, Commissioner,  
Fifth District

ATTEST:

\_\_\_\_\_  
**Don Brace**, County Clerk

APPROVED:

\_\_\_\_\_, 2007